

ORDINANCE NO. 2006- 10

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA REGULATING THE ACCUMULATION OF JUNK

WHEREAS, the Board of Commissioners of Warrick County, State of Indiana finds that the accumulation of junk within Warrick County adversely affects the public health of the citizens of Warrick County; and

WHEREAS, the Board of Commissioners of Warrick County, State of Indiana desires to provide for the public health of the citizens of Warrick County by reducing the accumulation of junk with Warrick County.

BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, as follows:

A. DEFINITIONS

Sec. 1. "Health Officer" defined.

"Health Officer" means the Health Officer of the Warrick County Health Department.

Sec. 2. "County" defined.

"County" means the County of Warrick, State of Indiana.

Sec. 3. "Junk" defined.

"Junk" means old or scrap copper, glass, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or automobile parts, iron, steel, and other old scrap ferrous or nonferrous material.

Sec. 4. "Person" defined.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

Sec. 5. "Substantial property interest" defined.

"Substantial property interest" has the meaning as found in Indiana Code § 36-7-9-2, and includes the holder of a recorded fee interest, life estate interest, future interest, present possessory interest, or equitable interest of a contract purchaser.

B. UNLAWFUL ACCUMULATION OF JUNK PROHIBITED

Sec. 1. Prohibition

No person shall permit the accumulation of junk on any of the following premises:

- (1) In a residentially or commercially-zoned property (R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, PUD, C-1, C-2, C-3, C-4);
- (2) Within 300 feet of any residentially-zoned property;
- (3) Within 300 feet of a single-family, multi-family or mobile home residence, regardless of the zoning classification on which such residence is located; or
- (4) Where such junk is visible from any public road.

Sec. 2. Notice to owners to comply.

The Health Officer is hereby authorized to issue a written notice ("Notice of Violation") to all persons holding a substantial property interest in the premises on which there is a violation of Section 1, notifying such person to remove the accumulation of junk from the premises within ten (10) days from the receipt of the notice. Such Notice of Violation shall:

- (a) Be in writing;
- (b) Include a statement of the reasons why it is being issued;
- (c) Allow time for the performance of any act it requires, as indicated on said Notice of Violation;
- (d) Be served upon every person holding a substantial property interest in the premises, as the case may require; such service shall be effectuated by personal service or certified mail to the address listed in the books of the Auditor of Warrick County; if a person's location and mailing address can not be determined, or if the person refuses to accept certified mail, then any other means of service under Indiana law may be used, including without limitation, leaving a copy of the Notice of Violation at the premises in violation of this ordinance followed by mailing by regular U.S. Mail to the last known address.
- (e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

- (f) Enclose a copy of this Ordinance.

Sec. 3. Removal of junk upon owner's failure to comply with Notice of Violation.

- A. Upon the failure or refusal of the persons in receipt a Notice of Violation to remove the accumulation of junk within the time specified in the Notice of Violation, the County (including officers, employees and contractors of the County) may enter upon the affected premises and take appropriate action to bring the premises into compliance with this Ordinance, including without limitation, the removal of the accumulation of such junk at the expense of the owner of the premises.
- B. Pursuant to Indiana Code § 36-1-6-2, the County may issue a bill to the owner of the real property for the costs incurred by the County in bringing the property into compliance with the ordinance, including administrative costs and removal costs. Such bill is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.
- C. If the County takes action to bring property into compliance with this Ordinance, the expenses incurred by the County to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the Warrick County Recorder.
1. The lien can not exceed:
- a. two thousand five hundred dollars (\$ 2,500) for real property that:
- (A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or
- (B) is unimproved;
- b. ten thousand dollars (\$ 10,000) for all other real property not described in subdivision (i).
- D. The County, when it deems it necessary, may direct the Health Officer to prepare the list(s) described in Indiana Code § 36-1-6-2(d), as hereafter amended, regarding delinquent fees and penalties, including the owners of the property and other matters required by Indiana Code § 36-1-6-2(d) to file a lien with the County Recorder. The amount of a lien shall be placed on the tax duplicate by the Auditor. The total amount, including any accrued interest, shall be collected in the

same manner as delinquent taxes are collected and shall be disbursed to the general fund of the County.

Sec. 4. Violations and Enforcement.


- A. It shall be a violation of this Ordinance to fail to bring the affected property into compliance within ten (10) days of receipt of the Notice of Violation.
- B. A person violating any provision of this Ordinance shall be fined by the County, through its Health Officer or such other person as determined by the Board of Commissioners, as follows:
 - 1. for a first violation, seventy-five dollars (\$75.00);
 - 2. for a second violation, one-hundred fifty dollars (\$150.00);
 - 3. for a third violation, two hundred fifty dollars (\$250.00);
 - 4. for a fourth and subsequent violations, an amount not less than five hundred dollars (\$500.00) but not exceeding seven-thousand five hundred dollars (\$7,500.00).
- C. Each day such violation is committed or permitted to continue shall constitute a separate offense.
- D. In addition to the fine schedule listed above, the owner of the property is also responsible for the costs of cleanup under Sec. 3. Removal of junk upon owner's failure to comply with notice.
- E. The County may enforce this Article through any other means provided by law, including but not limited to Indiana Code 36-1-6.
- F. The remedies provided by this Ordinance are cumulative and not exclusive.

Sec. 5. Severability.

If any provision, section or part of a section of this Ordinance shall be declared to be unconstitutional or invalid, such partial invalidity shall not be construed to affect the validity of the remainder of the Ordinance, and all other provisions thereof shall remain valid and enforceable.

PASSED AND ADOPTED by the Board of Commissioners of Warrick County,
State of Indiana, on the 28th day of JUNE, 2006.

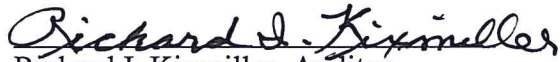
BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA


Carl Jay Conner, President


Don Williams, Commissioner


Phillip Baxter, Commissioner

ATTEST:


Richard I. Kixmiller, Auditor

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